

## REMARKS

### IDS

Applicant appreciates the communication from the Examiner dated 3 September 2004 regarding the IDS submitted in this case. That communication indicated that the IDS had been considered and directed attention to the attached 1449. *However, no form 1449 was in fact attached.* As such, Applicant requests that the Examiner include an additional copy of the relevant form 1449 in the next mailing to Applicant.

### Claims 1-14, 32

The Examiner rejects claims 1-14, 32<sup>1</sup> as being obvious under §103 over King in view of Garin. Applicant respectfully requests reconsideration of these rejections.

As amended, independent claim 1 requires, *inter alia*, that the mobile terminal "determin[e] a subset [of the available position detection assisting devices] consisting of only the position detection assisting devices necessary and sufficient from which to determine location." This limitation was previously present in dependent claim 14, and therefore does not introduce new matter.<sup>2</sup> In discussing this limitation in claim 14, the Examiner points solely to King col. 6, lines 18-65 and col. 16, lines 1-41. The undersigned has reviewed these passages in detail and is unable to find any disclosure of this aspect in the cited passages. Nothing in King col. 6, lines 18-65 ever mentions identifying a subset of the position detecting assisting devices (e.g., GPS satellites) that

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<sup>1</sup> The Examiner is requested to clarify the status of **claim 32**, as both the Summary page and page 2 of the Detailed Action appear to completely disregard claim 32. However, page 6 of the Detailed Action discusses claim 32. Accordingly, this response assumes that claim 32 is rejected under §103 over King in view of Garin, **but the Examiner is specifically requested to clarify this in the next communication.**

<sup>2</sup> The Examiner should note that the claim language of "comprising only" from original claim 14 has been changed to "consisting of only" without changing the intended meaning of the claim.

contains only the those GPS satellites that are necessary and sufficient to determine location, and certainly no such determining by the mobile terminal. In contrast, Applicant's specification describes one such scenario with the following passage at page 16, lines 13-18 (emphasis added):

In an alternate embodiment, if more position detection assisting devices are visible than required to make an accurate position determination, then the mobile terminal 100 may further refine the subset to include only a necessary and sufficient number of position detection assisting devices. For example, if seven satellites are visible, and only four are required to determine the location of the mobile terminal 100, then ephemeris is only requested for four of the seven. This further saves bandwidth demands on the mobile network 40.

Likewise, the cited passage of King at col. 16, lines 18-65 says nothing about limiting the ephemeris information request to only the necessary and sufficient GPS satellites. Instead, the passage indicates the contrary, that the ephemeris information is requested for all visible GPS satellites with aged data (col. 16, lines 5-9 ("tells the network to send raw ephemeris data for all presently visible satellites...)). Applicant respectfully submits that nothing in the cited passages of King, or elsewhere in King, teaches the claimed limitation of limiting the subset (about which information is requested) to be only those satellites necessary and sufficient to determine location. And nothing in Garin supplies the missing teaching, nor does the Examiner make any assertion that it does. Accordingly, Applicant submits that the combination of King and Garin<sup>3</sup> does not teach the limitation of "wherein referencing said information to determine a subset of the position detection assisting devices which are available comprises determining a subset comprising only the position detection assisting devices necessary and sufficient from which to determine location." As such, Applicant submits that independent claim 1, and

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<sup>3</sup> Assuming *arguendo* that such combination is proper.

its remaining dependent claims 2-13, 32, define patentable subject matter over the cited art.

#### **Claims 15-20**

The Examiner rejects claims 15-20 as being obvious under §103 over King in view of Garin. Applicant respectfully requests reconsideration of these rejections.

Independent claim 15 is an apparatus claim generally corresponding to independent method claim 1. As amended, independent claim 15 now requires, *inter alia*, "wherein said control system further determines, at said mobile terminal, a subset of the position detection assisting devices which are available from which to determine location based on said information, said subset consisting of only the position detection assisting devices necessary and sufficient from which to determine location..." For reasons similar to those expressed above with respect to independent claim 1, Applicant submits that neither King nor Garin, nor the combination thereof, discloses this limitation. As such, Applicant submits that independent claim 15, and its dependent claims 16-20, define patentable subject matter over the cited art.

#### **Claims 21-26**

The Examiner rejects claims 21-26 as being obvious under §103 over King in view of Garin. Applicant respectfully requests reconsideration of these rejections.

Independent claim 21 is a system apparatus claim generally corresponding to independent method claim 1. As amended, independent claim 21 now requires, *inter alia*, that the subset identified by the mobile terminal "consist[] of only the position

detection assisting devices necessary and sufficient from which to determine location."

For reasons similar to those expressed above with respect to independent claim 1, Applicant submits that neither King nor Garin, nor the combination thereof, discloses this limitation. As such, Applicant submits that independent claim 21, and its dependent claims 22-26, define patentable subject matter over the cited art.

### **Claim 27**

The Examiner rejects claim 27 as being obvious under §103 over King in view of Garin. Applicant respectfully requests reconsideration of this rejection.

As amended, independent method claim 27 now requires, *inter alia*, that the mobile terminal "determin[e] a subset [of the available position detection assisting devices] consisting of only the position detection assisting devices necessary and sufficient from which to determine location." For reasons similar to those expressed above with respect to independent claim 1, Applicant submits that neither King nor Garin, nor the combination thereof, discloses this limitation. As such, Applicant submits that independent claim 27 defines patentable subject matter over the cited art.

### **Claims 29-31**

The Examiner rejects claims 29-31 as being obvious under §103 over King in view of Garin. Applicant respectfully requests reconsideration of these rejections.

As amended, independent claim 29 now requires, *inter alia*, that the mobile terminal "determine ... which of said one or more satellites from which signals are acquired from a subset of the theoretically available satellites consisting of only the

satellites necessary and sufficient from which to determine location," and the method step of "requesting ephemeris information only for those satellites in said subset." For reasons similar to those expressed above with respect to independent claim 1, Applicant submits that neither King nor Garin, nor the combination thereof, discloses this limitation. As such, Applicant submits that independent claim 29, and its dependent claims 30-31, define patentable subject matter over the cited art.

In view of the above, Applicant submits that all currently pending claims define patentable subject matter over the cited art. However, if any issues remain, the Examiner is requested to telephone the undersigned to discuss the same prior to issuance of the next Action.

Respectfully submitted,  
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